

**REMARKS**

The Final Office Action mailed on May 8, 2007 has been reviewed, along with the art cited. Claims 8-16, 20, and 22 are pending in this application. Claims 1-7, 17-19, and 21 have been cancelled.

*Amendments under 37 C.F.R. §1.116*

Claims 1-10, 13-15, 20, and 22 have been amended in compliance with §1.116, because claims 1-7, 17-19, and 21 have been cancelled, and claims 9-10, 13-15, 20, and 22 have been amended to be dependent upon allowable claim 8. The claim amendments do not require further searching because claims 9-10, 13-15 and 20 have been amended only to change dependencies, and claim 22 is previous claim 5 rewritten as a dependent claim to claim 8. As a result, Applicant respectfully requests the admittance of the amendment above, and the withdrawal of the rejections in the Final Office Action mailed on May 8, 2007.

*Rejections Under 35 U.S.C. § 102*

Claims 1-7, 9-13, 15-19, and 21 were rejected under 35 USC § 102(b) as being anticipated by Doyle et al. (WO 00/77480 A2). Claims 1-7, 17-19, and 21 have been cancelled. As a result, the rejection with respect to claims 1-7, 17-19, and 21 is now moot. Claims 9-10, 13, and 15 have been amended so that they are dependent upon allowable claim 8. As a result, claims 11-12 and 16 are now dependent indirectly upon claim 8. Thus claims 9-13 and 15-16 are dependent either directly or indirectly upon allowable claim 8. As a result, Applicant respectfully requests that claims 9-13 and 15-16 be allowed.

*Rejections Under 35 U.S.C. § 103*

Claims 14 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Doyle et al. (WO 00/77480 A2). Claims 14 and 20 have been amended to be

Serial No.: 10/531,499

Filing Date: 4/15/2005

Attorney Docket No. 215.003US01

Title: POSITION SENSING APPARATUS AND METHOD

---

dependent upon allowable claim 8. As a result, Applicant respectfully requests that claims 14 and 20 be allowed.

*Allowable Subject Matter*

Claim 8 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 has been amended to include the limitation of base claim 1 and intervening claims 6 and 7. As a result, Applicant respectfully requests that claim 8 be allowed.

Serial No.: 10/531,499

Filing Date: 4/15/2005

Attorney Docket No. 215.003US01

Title: POSITION SENSING APPARATUS AND METHOD

---

**CONCLUSION**

Applicant respectfully submits that claims 8-16, 20 and 22 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 5, 2007

/David N. Fogg/  
David N. Fogg  
Reg. No. 35138

Attorneys for Applicant  
Fogg & Powers LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T – (612) 332-4720  
F – (612) 332-4731